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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Budd et al. Attorney Docket No.: 1974.003
Serial No.: 09/973,476 Group Art Unit: 1644
Filed: October 9, 2001 Examiner: Belyavskyi, M. A.
Title: CASPASE INHIBITORS FOR INHIBITING BLOOD CELL PROLIFERATION
AND FOR TREATING AUTOIMMUNE DISEASES

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 12, 2003.

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Date of Signature: August 12, 2003

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Response to Restriction Requirement Under 37 C.F.R. § 1.142

Dear Sir:

This is in response to the Office Action mailed on July 14, 2003, in connection with the above-identified U.S. patent application. The thirty-day period for response expires on August 13, 2003. Accordingly, this response is timely filed.

Claims 1-21 were presented at the time of filing and are currently pending in the application. The Action of July 14, 2003 requires election under 35 U.S.C. §121 among five groups of claims:

Group I (claims 1-4, 7, 9-10), drawn to a method of suppressing the immune system comprising administering an unmodified caspase-8 inhibitor, classified in Class 424, subclass 184.1;

Group II (claims 1-3, 5-6 and 8), drawn to a method of suppressing the immune system comprising administering a modified caspase-8 inhibitor, classified in Class 424, subclass 184.1;

Group III (claims 11-14, 17 and 19-20) drawn to a method of treating a tumor disease comprising administering an unmodified caspase-8 inhibitor, classified in Class 424, 184.1;

Group IV (claims 11-13, 15-16 and 18) drawn to a method of treating a tumor disease comprising administering a modified caspase-8 inhibitor, classified in Class 424, subclass 184.1; and

Group V (claim 21) drawn to a method of inhibiting the proliferation of peripheral blood lymphocytes comprising administering a caspase-8 inhibitor, classified in Class 424, subclass 184.1.

Applicants hereby provisionally elect the claims of Group II (claims 1-3, 5-6 and 8) with traverse with respect to Group I (claims 1-4, 7, 9-10). Applicant respectfully submits that a search of compounds useful for the method of Group I claims, that is compounds with demonstrated effectiveness as caspase inhibitors would necessarily include all caspase inhibitors both modified and unmodified. Hence, there is no undue burden for the examiner to search the claims of Groups I and II. Withdrawal of the restriction between Groups I and II, therefore, is respectfully requested.

Applicants hereby elect the species recited in claim 8, wherein the caspase-8 inhibitor comprises the sequence IETD-fmk. The elected species reads on the following claims: 8, 7, 6, 5, 4, 3, 2, and 1.

Should any questions arise in connection with this Application, Applicants' Attorney can be reached at the below-listed telephone number.

Respectfully submitted,


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Dated: August 12, 2003

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